

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116

**OPPOSITION OF CENTURYTEL, INC. TO THE PETITION FOR
DECLARATORY RULING OF THE CELLULAR TELECOMMUNICATIONS
AND INTERNET ASSOCIATION**

CenturyTel, Inc. (CenturyTel), by its attorneys, hereby opposes the Petition for Declaratory Ruling (Petition) filed by the Cellular Telecommunications & Internet Association (CTIA) in the above-captioned proceeding. As demonstrated below, the Commission should deny CTIA's Petition because it is contrary to the Telecommunications Act of 1996, and the Commission's rules and orders concerning number portability.

I. INTRODUCTION

In the Petition, CTIA asks the Commission to declare that wireline carriers must port a customer's telephone numbers to a CMRS provider whose service area overlaps the wireline carrier's rate center in addition to where the wireless carrier has a presence in the landline rate center. CTIA also asks the Commission to declare that no agreement between the carriers, other than a standard service-level porting agreement, is necessary before a wireline carrier ports a number to a CMRS provider. CTIA argues that if wireless number portability is to go forward in November 2003, as ordered by the Commission, uncertainty concerning the extent of wireline local exchange carriers' obligation to port numbers to wireless carriers must be removed.

Although the Petition raises a number of issues concerning local number portability (LNP) between wireless and wireline carriers, these issues do not impact LNP between wireless carriers. Thus, CTIA's Petition and the issues raised therein present no impediment to the scheduled deployment of LNP between wireless carriers and, therefore, such deployment should not be delayed.

With respect to the issues concerning LNP between wireline and wireless carriers, CenturyTel agrees that these issues create significant problems in connection with the implementation of LNP between wireline and wireless carriers. As discussed herein, CTIA's proposed solution, as outlined in its Petition, is not in the public interest. Therefore, CenturyTel urges the Commission to deny the Petition.

II. CTIA'S PETITION WOULD AMOUNT TO LOCATION PORTABILITY

In the LNP *First Report and Order*,¹ the Commission required service provider LNP for wireline and wireless carriers. According to the Commission, service provider portability allows the users of telecommunications services to retain, at the same location, existing telecommunications numbers.

In the *Second Report and Order*,² the Commission limited wireline LNP to the existing rate center boundaries of incumbent local exchange carriers (LECs) due to the need to ensure proper rating and routing of calls. The Commission adopted, almost in its entirety, the *North American Numbering Council Local Number Portability Architecture*

¹ Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352 (1996) (*First Report and Order*).

² Telephone Number Portability, *Second Report and Order*, CC Docket No. 95-116, 12 FCC Rcd 12281 (1997) (*Second Report and Order*).

& Administrative Report, including Section 7.3 of the Report, which states “Portability is technically limited to rate center/rate district boundaries of the incumbent LEC due to rating/routing concerns (emphasis added).”³ This was codified at Section 52.26 of the Commission’s rules.⁴ Although this section originally addressed only wireline service providers, service provider portability between wireline and wireless service providers continues to be technically limited to the rate center.

The Commission declined to mandate location portability, which allows users of telecommunications services to retain existing telecommunications numbers when moving from one physical location to another,⁵ due to a number of issues concerning consumer confusion caused by the disassociation of numbers from rate centers. Among the disadvantages of location portability, the Commission cited its concern that consumers associate area codes and calling rates with geographic areas; location portability would result in consumers inadvertently making, and being billed for, toll calls; and it would force changes in dialing patterns to place local calls to locations beyond existing rate centers. The Commission also recognized that preventing this customer confusion would require carriers, and ultimately consumers, to incur additional costs to modify carrier billing and operation systems.⁶

The Commission also declined to mandate location portability even though it recognized that new entrants would be able to offer a greater range of location portability per switch due to their network architecture and that location portability would promote

³ *Id.* at 12283-4 (adopting the April 25, 1997 Report).

⁴ 47 C.F.R. § 52.26.

⁵ *First Report and Order* at 8443.

⁶ *Id.* at 8448.

consumer flexibility and mobility.⁷ Rather, recognizing that the states create rate centers and local calling areas of LECs, and that these vary from state to state, the Commission delegated the issue of location portability to the states to “avoid the consumer confusion and other disadvantages inherent in requiring location portability.”⁸

CTIA’s Petition should be denied because it would disassociate numbers from the rate center and, in effect, require location portability. Possibly in anticipation of this argument, CTIA casually but misleadingly states that it is not requesting location portability. Rather, CTIA argues that the wireless carrier is providing service within the rate center when its service area overlaps the wireline rate center, thus satisfying the requirements for service provider portability. CTIA also argues that this issue results from the establishment of the MTA as the local calling area for CMRS, which permits CMRS carriers to use a single switch to serve radio facilities over a wide geographic area.

However, it is clear that CTIA’s proposal would disassociate numbers from the rate center and that the current rules tie wireline number portability to the rate center. In addition, the geographic advantage claimed by CTIA looks very much like the location portability the Commission declined to mandate even though it recognized that new entrants would be able to offer a greater range of location portability per switch due to their network architecture.

Grant of CTIA’s Petition also would lead to the very confusion for consumers concerning the rating of calls that the Commission sought to avoid when it declined to

⁷ *Id.* at 8448-9.

⁸ *Id.* at 8449.

mandate location portability. It also would require changes in operator and directory services systems and other carrier systems and it may result in the incorrect routing of 911 calls.

Moreover, wireless consumers would lose certain protections, upon which they have come to rely, if they use ported wireline numbers for their wireless service. For example, because specific NXXs currently are associated with wireless service, they can be excluded from telemarketing and other sales call lists. Thus, wireless consumers, who typically pay for incoming calls, are spared the expense of unsolicited calls. However, this protection would be lost if a ported wireline number is used for wireless service. Telemarketing rules and no-call lists do not fully address this problem because many calls do not fall under those rules (such as calls from charitable and political organizations).

Accordingly, the Commission should not order *de facto* location portability through grant of CTIA's Petition.

III. CTIA'S PROPOSAL WOULD CREATE AN UNLAWFUL DISPARITY IN NUMBERING PORTABILITY

Grant of CTIA's proposal also would create a disparity in numbering portability, which is contrary to the Commission's numbering principles and the telecommunications Act of 1996. Section 251(e) of the Act requires that the Commission make telephone numbers available on an equitable basis.⁹ The Commission's rules also require that numbering decisions cannot unduly disadvantage or benefit any carrier or class of

⁹ 47 U.S.C. § 251(e)(6); *See also* 47 C.F.R. § 52.9(a)(1).

carriers, or deny access to numbering resources based on the technology a carrier or class of carrier uses in its networks.¹⁰

Under CTIA's proposal, consumers would be able to port their wireline number to a CMRS provider as long as the subscriber's rate center is within the CMRS provider's service area. However, a consumer would only be able to port a number from a CMRS provider to a wireline provider if the subscriber's physical location is within the wireline rate center associated with the wireless NPA-NXX. This approach would create an unlawful disparity by allowing wireless carriers to port a wireline customer over a greater geographic area than wireline carriers could port wireless customers.

In addition, since wireless telephone numbers are not assigned based on the physical service location of the end user, it is likely that the wireless end user will not be physically located within the rate center area. Accordingly, grant of CTIA's Petition also would create a disparity in access to ported telephone numbers in favor of wireless carriers.

As indicated in the Petition, these disparity issues have been pending before the Commission for a number of years.¹¹ The Commission should now make clear that CTIA's proposal would create an unlawful disparity in numbering portability.

III. INTERCONNECTION AGREEMENTS ARE NECESSARY BEFORE NUMBER PORTING

Finally, the Commission must reject CTIA's position that nothing more than a standard service-level porting agreement is necessary before a wireline carrier ports a number to a CMRS provider. CTIA claims that there is no need for any additional

¹⁰ 47 C.F.R. § 52.9(a)(2), (a)(3).

agreement because “the traffic will be governed by the terms of the interconnection agreement already established between the two carriers...”¹²

As an initial matter, there are many instances where a CMRS provider and LEC do not have an existing interconnection agreement, for example, where the CMRS provider interconnects indirectly through the tandem switch of another carrier. Therefore, it simply is not accurate that the traffic associated with ported numbers would be covered by existing interconnection agreements.

In addition, the use of tandem connections create additional issues that may result in the inability to complete calls to ported numbers. For example, if a tandem carrier is not sending all information for a call or delivering traffic over a multi-frequency trunk, the call may not be routed correctly and will not be completed. Since the tandem carrier is not the sender or the n-1 carrier, it has no obligation under the LNP guidelines to address such an issue. The use of a tandem connection also creates issues concerning service quality. Accordingly, interconnection agreements must be established between the carriers before number porting occurs in order to ensure the proper routing and completion of calls and to maintain service quality standards.

¹¹ CTIA Petition at 4-5.

¹² CTIA Petition at 3-4.


V. CONCLUSION

For the reasons above, CenturyTel urges the Commission to deny the Petition for Declaratory Ruling filed by CTIA.

Respectfully submitted,

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Dated: February 26, 2003

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